

### REMARKS

Claims 1-42 were pending as of the action mailed on September 3, 2009. Claims 1, 10, 19, 25, and 34 are in independent form.

Claims 5, 7-10, 14, 16-18, 25, 29, 31-34, and 40-42 are being amended. No new matter has been added. Reconsideration of the action is respectfully requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 1-18 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Examiner rejected claims 5, 7-10, 14, 16-18, 24-33, and 40-42 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner rejected claims 1-42 under 35 U.S.C. § 102(b) as allegedly anticipated by "Jumping Beans," Ad Astra Engineering, 12/3/1998, pages 1-44 ("Jumping Beans").

Applicant respectfully traverses the rejections.

#### **Section 101 Rejections**

Claims 1-18 were rejected as non-statutory. Specifically, the examiner states that the claim lacks any physical structural elements and is therefore directed to software *per se*. Applicant respectfully disagrees. Claim 1 recites a jumping application morphing console connected to two or more hosts between which a jumping application is jumping. Thus, the hosts and the jumping application morphing console are necessarily physical structural elements. In particular, the Examiner has failed to identify how hosts connected to a jumping application morphing console can be considered software *per se*. Applicant respectfully requests that the section 101 rejection be withdrawn.

#### **Section 112 Rejections**

Claims 5, 7-10, 14, 16-18, 24-33, and 40-42 were rejected as indefinite.

The Examiner rejected claim 5 being unclear for reciting "a first behavior package". Applicant has amended claim 5 to recite "the first behavior package."

The Examiner rejected claims 7 and 16 as unclear with respect to “one or more behavior packages associated with a set of capabilities of a host computer”. Applicant has amended claims 7 and 16, respectively, to recite “one or more behavior packages associated with a set of capabilities of a particular host computer.”

The Examiner rejected claims 8, 17, and 41 as being unclear with respect to “a host computer...of the host computer”. Applicant has amended claims 8, 17, and 41 to recite “the particular host computer is assigned to a group based on the capabilities of the host computer.”

The Examiner rejected claims 9, 18, 31, 33, 40, and 42 as unclear with respect to “capabilities of a host computer.” Applicant has amended claims 9, 18, 31, 33, 40, and 42 to recite “capabilities of a corresponding host computer.”

The Examiner rejected claims 10 and 25 as being unclear with respect to “a first behavior package”. Applicant has amended claim 10 to recite “a first behavior package of the one or more behavior packages.”

The Examiner rejected claims 14 and 29 as unclear with respect to “a first behavior package”. Applicant has amended claim 14 to recite “the first behavior package.”

The Examiner rejected claim 32 as unclear with respect to “a host computer.” Applicant has amended claim 32 to recite “a particular host computer.”

The Examiner identified claim 24 are rejected at line 10 for being unclear with respect to “a first behavior package.” As this feature is not found in claim 24, Applicant assumed the rejection is meant to be claim 34. Applicant has amended claim 34 to recite “a first behavior package of the one or more behavior packages.”

The Examiner further rejected claims 1-18 as rejected because the body of the claim does not support the preamble reciting a console because the console is only a program. Applicant respectfully disagrees for at least the reasons set forth above in the response to the section 101 rejections. Additionally, the claim recites components of the console (i.e., “the console comprising”). Applicant respectfully submits that “console” is not unclear.

Applicant respectfully requests that the section 112, second paragraph, rejections be withdrawn.

### **Section 102 Rejections**

Claim 1 is directed to a jumping application morphing console that alters a jumping application that is jumping between two or more hosts connected to the morphing console. The morphing console includes a morphing module that alters the jumping application as the jumping application jumps between hosts including receiving the jumping application jumping from a first host to a next host, altering the jumping application, and sending the jumping application to the next host.

The Examiner states that Jumping Beans teaches the claimed morphing module corresponds to the Jumping Beans central management console at the abstract at page 1, paragraph 3; the Figure in page 24; and page 30, second paragraph. Applicant respectfully disagrees.

The Jumping Beans abstract, third paragraph, describes the use of Jumping Beans in enterprise environments. Additionally, the cited portion states that management of a mobile system is made simple through Jumping Beans' central management console. Applicant respectfully asserts that the cited portion simply describes the Jumping Beans system as having a central management console. The cited portion does not teach or suggest any altering of a jumping application received from a first host and prior to sending the jumping application to a next host.

The figure in page 24 shows a client server architecture of hosts and a server such that the mobile application passes through the server on each hop. This is shown in contrast to a peer to peer architecture. However, Applicant respectfully assert that the figure does not teach or suggest any altering of a jumping application received from a first host and prior to sending the jumping application to a next host.

Page 30, second paragraph, describes a benefit to a client/server architecture in that a host can send the mobile application to another host even if the destination host is disconnected because the server had hold the mobile application in a dispatch queue until the destination host is available. Again, Applicant respectfully assert that the figure does not teach or suggest any

altering of a jumping application received from a first host and prior to sending the jumping application to a next host.

Thus, the portions of Jumping Beans identified by the Examiner do not disclose or suggest any morphing module or any altering of a jumping application at the morphing module.

In responding to Applicant's previous arguments, the Examiner cites additional portions of Jumping Beans not relied upon in the rejection. The only pertinent portion appears to be page 5, last paragraph, where the Examiner equates configuration of an jumping application with the claimed altering. Applicant respectfully disagrees.

The cited portion of page 5 describes the management capabilities of Jumping Beans. In particular, the cited paragraph states that the advanced server "allows the administrator to track individual mobile application in a real-time display, configure and revoke agencies, control mobile applications, and manage security configuration, all form the centralized server."

The cited portion, however, does not teach or suggest a morphing module that alters the jumping application as the jumping application jumps between hosts including receiving the jumping application jumping from a first host to a next host, altering the jumping application, and sending the jumping application to the next host. Even assuming that the cited configuring alters the application, which Applicant does not concede, the cited portion does not teach or suggest configuring mobile applications as they are jumping between hosts.

Applicant respectfully submits that claim 1 is in condition for allowance. Claims 2-9 depend from claim 1 and are allowable for at least the same reasons.

#### Claim 4

Claim 4 is directed to instructions that store one or more particular behavior packages that are associated with each host of the jumping application system where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host.

The Examiner states that Jumping Beans teaches the claimed behavior packages at page 31, messaging section and page 33, itinerary section. Applicant respectfully disagrees. The cited messaging section at page 31 describes a host that can send a message to a mobile application by

sending a message to the server, which then forwards the message to the current host of the mobile application. *See* page 31. The cited portion does not teach or suggest any behavior package associated with each host where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host.

The cited itinerary on page 33 simply describe storing a permanent record of the mobile application's travels within the network. Again, The cited portion does not teach or suggest any behavior package associated with each host where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host.

Applicant respectfully submits that claim 4 is allowable for this additional reason.

#### Claim 10

Claim 10 is directed to a jumping application morphing console that includes means for altering the behavior of the jumping application for the next host using a particular behavior package associated with the next host when the jumping application jumps between a first host and the next host where the console alters the behavior after the jumping application leaves the first host and before the jumping application arrives at a next host. For at least the same reasons as set forth above with respect to claim 1, claim 10, as well as claims 11-18, which depend from claim 10, are in condition for allowance.

#### Claim 19

Claim 19 is directed to a computer-implemented method for altering the behavior of a jumping application that includes receiving at a morphing console a jumping application dispatched from a first host during a jump between hosts, altering the behavior of the jumping application for the next host based on using a behavior package associated with the next host, and dispatching the jumping application to the next host. As set forth above with respect to claim 1, Jumping Beans does not teach or suggest altering the behavior of a jumping application during a jump between hosts according to a behavior package associated with the next host. Applicant respectfully submits that claim 19, as well as claims 20-24, which depend from claim 19, are in condition for allowance.

### Claim 25

Claim 25 is directed to a jumping application morphing system that includes a management and security console connected to two or more host computers where the management and security console includes a morphing module that alters a jumping application as the jumping application jumps between hosts, where the morphing module receives the jumping application from a first host and alters the jumping application before sending the jumping application to a next host. For at least the same reasons as set forth above with respect to claim 1, claim 25, as well as claims 26-33, which depend from claim 25, are in condition for allowance.

### Claim 34

Claim 34 is directed to a server computer for a jumping application morphing system that includes instructions that determine a next host to which the jumping application, received from a first host, is being dispatched and instructions that alter the behavior of the received jumping application for the next host based on using a particular behavior package associated with the next host. For at least the same reasons as set forth above with respect to claim 1, claim 34, as well as claims 35-42, which depend from claim 34, are in condition for allowance.

## **Conclusion**

For the foregoing reasons, Applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, Applicant's decision to amend or cancel any claim should not be understood as implying that Applicant agrees with any positions taken by the Examiner with respect to that claim or other claims.

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Respectfully submitted,

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